

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : James A. Parker

RECEIVED

Serial No. : PCT/\_\_\_\_\_

JUL 18 2003

Filing Date : April 24, 2002

Title : Electronic Mail File Access System

Technology Center 2100

Commissioner for Patents

P.O. Box 1450

Alexandria, Virginia 22313-1450

EL607300139US

Express Mail Label No. EL607300139USPETITION TO ACCORD FILING DATE UNDER 37 C.F.R. § 1.10

Dear Sir:

Assignee petitions the Commissioner to consider the above-referenced International (PCT) Application as filed in the Office on April 24, 2002, which was the date on which the Application was deposited with the U.S. Postal Service ("USPS") via "Express Mail."

FACTUAL BACKGROUND

On June 23, 2003, the undersigned first became aware that no papers had been received from the Office for this application. (No demand for International Preliminary Examination was filed.) The PCT Help Desk told the undersigned that the Office had no record of the application being filed.

An "Express Mail" label number was placed on the papers that constitute the correspondence. Specifically, the label appears in the handwriting of the undersigned's former assistant on the first page of the four-page PCT Request and on the first page of the application itself. The original number sticker of the "Express Mail" label (typically left on the label's wax paper backing) is also affixed to assignee's file copy of the PCT Request, on its first page.

As of April 24, 2002, the undersigned had not filed any U.S. patent application with James A. Parker as an inventor other than the priority applications listed in Box No. VI of the PCT Request. The PCT application enclosed relates to the subject matter of those priority applications.

Enclosed with this Petition are true copies of the originally deposited papers. These papers are (1) the PCT request and (2) the application itemized on Sheet No. 4 of the request. Also enclosed is a true copy of the "Express Mail" label with the April 24, 2002 date of deposit clearly completed by the USPS acceptance clerk and with "Box PCT" forming part of the delivery address.

#### STATEMENT

The undersigned hereby states that: (1) the aforementioned correspondence was deposited with the USPS via "Express Mail" on April 24, 2002; and (2) the enclosed copies of the correspondence, the copy of the "Express Mail" mailing label, and the official notation entered by the USPS are true copies of the originally mailed correspondence, mailing label, and official notation.

#### SUPPLEMENTARY SHOWINGS

Although granting of this Petition is clearly in order under 37 C.F.R. § 1.10 based on assignee's showing to this point, assignee further supports the Petition with the enclosed true copy of a USPS delivery confirmation notice. As the delivery confirmation makes evident, the correspondence mailed under the "Express Mail" label number in question actually reached the Office. Clearly, the Office somehow misplaced the application.

Further enclosed in support of this Petition is the statement of Donald L. Hertz.

CONCLUSION

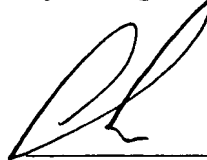
Assignee requests official recognition of the PCT application referenced and discussed above as having been filed April 24, 2002. Assignee further requests any appropriate notice of filing fees due and the prompt generation of a PCT Search Report.

Please feel free to contact the undersigned if there are any questions.

Respectfully submitted,

ATTACHSTOR, INC.

by its representative



Dated: June 26, 2003

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P.O. Box 1450  
Alexandria, Virginia 22313-1450

STATEMENT OF DONALD L. HERTZ

Dear Sir:

I hereby state that:

1. I am the senior assistant in the law firm of Louis J. Hoffman, P.C. I have been assisting Louis J. Hoffman, Esq. in this firm for several years. Since the departure of Edwin A. Suominen's former assistant at the beginning of 2003, I have been assisting him as well.
2. The "Express Mail" label number "EL588252645US" appears in the handwriting of Mr. Suominen's former assistant on the first page of the enclosed four-page PCT Request and on the first page of the enclosed application. The original number sticker of the "Express Mail" label is also affixed to the file copy of the PCT Request, on its first page.
3. The enclosed copies of the "Express Mail" label, four-page PCT Request, and application are true copies of those documents as they are present in the firm's file for the above-referenced application.
4. The enclosed copy of a USPS delivery confirmation notice is a true copy of that notice as I received it from the USPS via facsimile.

Dated: June 26, 2003



Donald L. Hertz III